

Message

From: McKenna, Elizabeth [Mckenna.Elizabeth@epa.gov]
Sent: 10/18/2019 10:43:29 PM
To: Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]; Castanon, Lisa [Castanon.Lisa@epa.gov]; Werntz, James [Werntz.James@epa.gov]
CC: McGrath, Patricia [mcgrath.patricia@epa.gov]; Wilson, Wenona [Wilson.Wenona@epa.gov]; Cerise, Kathy [Cerise.Kathryn@epa.gov]; Ingemansen, Dean [Ingemansen.Dean@epa.gov]
Subject: RE: Nez Perce Tribe Response re Stibnite Mine Site

Ok. I'll keep you posted.

Elizabeth McKenna | Assistant Regional Counsel
US Environmental Protection Agency, Region 10
1200 Sixth Avenue | Suite 155, M/S 11-C07
Seattle, WA 98101
(206) 553-0016



From: Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
Sent: Friday, October 18, 2019 3:35 PM
To: Castanon, Lisa <Castanon.Lisa@epa.gov>; McKenna, Elizabeth <Mckenna.Elizabeth@epa.gov>; Werntz, James <Werntz.James@epa.gov>
Cc: McGrath, Patricia <mcgrath.patricia@epa.gov>; Wilson, Wenona <Wilson.Wenona@epa.gov>; Cerise, Kathy <Cerise.Kathryn@epa.gov>; Ingemansen, Dean <Ingemansen.Dean@epa.gov>
Subject: RE: Nez Perce Tribe Response re Stibnite Mine Site

Agreed, if we can set a date, even if beyond 10/29 we can let the Congressman's office know that we have a meeting date and that should satisfy the request.

Thank you.

Michelle L. Pirzadeh
Deputy Regional Administrator
U.S. Environmental Protection Agency, Region 10
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Cell: (206) 499-1927
Fax: (206) 553-1809

From: Castanon, Lisa <Castanon.Lisa@epa.gov>
Sent: Friday, October 18, 2019 3:23 PM
To: McKenna, Elizabeth <Mckenna.Elizabeth@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>; Werntz, James <Werntz.James@epa.gov>
Cc: McGrath, Patricia <mcgrath.patricia@epa.gov>; Wilson, Wenona <Wilson.Wenona@epa.gov>; Cerise, Kathy <Cerise.Kathryn@epa.gov>; Ingemansen, Dean <Ingemansen.Dean@epa.gov>
Subject: Re: Nez Perce Tribe Response re Stibnite Mine Site

If a meeting before Oct 29 isn't possible for all the parties, having a few dates for meetings or calls scheduled out over the next few weeks should show a good faith effort to keep negotiations going.

Lisa A. Castañon
Acting Regional Counsel
Office of Regional Counsel
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1200 6th Avenue, Suite 155, M/S 11-C07
Seattle, WA 98101
206-553-0464

From: McKenna, Elizabeth <McKenna.Elizabeth@epa.gov>
Sent: Friday, October 18, 2019 2:32 PM
To: Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>; Werntz, James <Werntz.James@epa.gov>
Cc: McGrath, Patricia <mcgrath.patricia@epa.gov>; Wilson, Wenona <Wilson.Wenona@epa.gov>; Cerise, Kathy <Cerise.Kathryn@epa.gov>; Ingemansen, Dean <Ingemansen.Dean@epa.gov>; Castanon, Lisa <Castanon.Lisa@epa.gov>
Subject: RE: Nez Perce Tribe Response re Stibnite Mine Site

That is what Brad Marten and I are trying to accomplish. We are hoping that Michael Bogart and Laurel Sayers will be satisfied with a substantive meeting with all of the parties and not pursue a meeting with Chris. I am calling the Nez Perce attorney, the Shoshone Bannock attorney, and the state and Forest Service today to give them notice that I am trying to put together a meeting hastily. I am anticipating that the Tribes will not be happy to have such short notice, but I'm hoping to convince them that it would be worthwhile to have an meeting to at least get the new parties up to speed.

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From: Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
Sent: Friday, October 18, 2019 2:21 PM
To: McKenna, Elizabeth <McKenna.Elizabeth@epa.gov>; Werntz, James <Werntz.James@epa.gov>
Cc: McGrath, Patricia <mcgrath.patricia@epa.gov>; Wilson, Wenona <Wilson.Wenona@epa.gov>; Cerise, Kathy <Cerise.Kathryn@epa.gov>; Ingemansen, Dean <Ingemansen.Dean@epa.gov>; Castanon, Lisa <Castanon.Lisa@epa.gov>
Subject: RE: Nez Perce Tribe Response re Stibnite Mine Site

Thank you, I'm thinking that the meeting you are setting up may negate the need for an RA meeting if the request for the RA meeting was to urge that negotiations resume. Thoughts?

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From: McKenna, Elizabeth <Mckenna.Elizabeth@epa.gov>

Sent: Friday, October 18, 2019 1:39 PM

To: Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>; Werntz, James <Werntz.James@epa.gov>

Cc: McGrath, Patricia <mcgrath.patricia@epa.gov>; Wilson, Wenona <Wilson.Wenona@epa.gov>; Cerise, Kathy <Cerise.Kathryn@epa.gov>; Ingemansen, Dean <Ingemansen.Dean@epa.gov>; Castanon, Lisa <Castanon.Lisa@epa.gov>

Subject: RE: Nez Perce Tribe Response re Stibnite Mine Site

I talked to Midas' attorney this morning. We are trying to figure out how to make this happen given the number of participants (2 tribes, the state, the forest service, and EPA). I will email you on Monday with an update after Brad talks to his client and I talk to the other participants.

Elizabeth

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From: Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>

Sent: Thursday, October 17, 2019 10:01 AM

To: McKenna, Elizabeth <Mckenna.Elizabeth@epa.gov>; Werntz, James <Werntz.James@epa.gov>

Cc: McGrath, Patricia <mcgrath.patricia@epa.gov>; Wilson, Wenona <Wilson.Wenona@epa.gov>; Cerise, Kathy <Cerise.Kathryn@epa.gov>; Ingemansen, Dean <Ingemansen.Dean@epa.gov>; Castanon, Lisa <Castanon.Lisa@epa.gov>

Subject: RE: Nez Perce Tribe Response re Stibnite Mine Site

They have asked for 10/29 for a meeting. Could the meeting to resume the negotiations happen before then?

Michelle L. Pirzadeh

Deputy Regional Administrator

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From: McKenna, Elizabeth <Mckenna.Elizabeth@epa.gov>

Sent: Wednesday, October 16, 2019 9:17 AM

To: Werntz, James <Werntz.James@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>

Cc: McGrath, Patricia <mcgrath.patricia@epa.gov>; Wilson, Wenona <Wilson.Wenona@epa.gov>; Cerise, Kathy <Cerise.Kathryn@epa.gov>; Ingemansen, Dean <Ingemansen.Dean@epa.gov>; Castanon, Lisa <Castanon.Lisa@epa.gov>

Subject: RE: Nez Perce Tribe Response re Stibnite Mine Site

I can develop a briefing paper that describes the negotiation process over the past year. We do not have a draft administrative order on consent yet. We have a draft statement of work that is in the process of being negotiated. I will attach the SOW to my briefing paper. I had a conversation on Friday with Brad Marten (one of Midas' attorneys). He

said that Michael Bogart is frustrated by the lack of progress in the negotiations. The delay could not be helped. We needed to pause the negotiations to allow the Nez Perce Tribe to consult with EPA and to make a decision about the level of participation in the negotiations. Do we have a date for the meeting with Midas so that I can time the development of the briefing paper appropriately?

- Elizabeth

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From: Werntz, James <Werntz.James@epa.gov>
Sent: Wednesday, October 16, 2019 8:53 AM
To: Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
Cc: McGrath, Patricia <mcgrath.patricia@epa.gov>; McKenna, Elizabeth <Mckenna.Elizabeth@epa.gov>; Wilson, Wenona <Wilson.Wenona@epa.gov>; Cerise, Kathy <Cerise.Kathryn@epa.gov>
Subject: FW: Nez Perce Tribe Response re Stibnite Mine Site

Michelle: I'm responding to your note to Patty, and I'm sure she'll get back to you with the meeting history.

I recall that Chris has met with Midas representatives at least a couple times. **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

The letter attached came in this week, and addressed the Tribe's decision not to be a signatory, and their interest in a cooperative agreement with EPA.

Let me know if you have any other questions. Jim

James H. Werntz, Director
US EPA – Idaho Operations
950 W. Bannock St., Suite 900
Boise, Idaho 83702

208-378-5743

From: McKenna, Elizabeth <Mckenna.Elizabeth@epa.gov>
Sent: Tuesday, October 15, 2019 6:32 PM
To: Werntz, James <Werntz.James@epa.gov>; Cerise, Kathy <Cerise.Kathryn@epa.gov>; Ingemansen, Dean <Ingemansen.Dean@epa.gov>; Hood, Lynne <Hood.Lynne@epa.gov>; McGrath, Patricia <mcgrath.patricia@epa.gov>
Cc: Castanon, Lisa <Castanon.Lisa@epa.gov>
Subject: FW: Nez Perce Tribe Response re Stibnite Mine Site

FYI. I am forwarding you a letter from the Nez Perce Tribe regarding its decision not to be a signatory to any agreement we may reach with Midas. The Tribe is also seeking a cooperative agreement with us to fund the consultative role that they would like to assume.

Elizabeth

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From: Lisa Anderson <lisaa@nezperce.org>
Sent: Monday, October 14, 2019 2:22 PM
To: McKenna, Elizabeth <Mckenna.Elizabeth@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Mike Lopez <mlopez@nezperce.org>
Subject: Nez Perce Tribe Response re Stibnite Mine Site

Ms. Elizabeth McKenna:

Attached is the October 14, 2019, letter from Michael A. Lopez, Office of Legal Counsel for the Nez Perce Tribal Executive Committee, regarding the Stibnite Mine site. Please let me know if you have any problems accessing the attachment, which consists of 2 pages.

Thank you.

Lisa Anderson
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Office of Legal Counsel
Nez Perce Tribe
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